IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 514 of 2005

Between:

Varikuti Gurivi Reddy, S/o. Late Sri Gurivi Reddy,
R/o. 9/475, 9/476, Mitta Papaiah Choultry, Sivalayamstreet,
Prodduttur, Kadapa District.

..... PETITIONER

AND

1 The Commissioner, Endowments Department, Govt of A.P.,
Tilakroad, Ramkoti, Hyderabad.
2 The Deputy Commissioner, Endowment Department, Kurnool,.
3 The Executive Officer, Mitta Papaiah Choultry,
Sivalayamstreet, Prodduttur, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or mandamus declaring the action of the respondent in not extending the lease period fo the shops and rooms in D.No.9/475 and 9/476 of Mitta Papayya Choultry, at Proddutur town Kadapa District to the petitioner as illegal, arbitrary and against the principles of natural justice and consequently the direct the respondents to extend the lease for a further period of 3 years to the above premises and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.T.HANUMANTHA REDDY

Counsel for Respondents 1 and 2: GP FOR ENDOWMENTS

Counsel for Respondent No.3: -- Mr. V. Venugopala Rao

The Court at the stage of admission made the following ORDER:

Petitioner is the lessee of two commercial premises belonging to Sri Mitta Papaiah Choultry, Sivalayam street, Proddutur. The lease commenced in the year 1986 and it was renewed up to 31.12.2004. The third respondent issued a notice dated 20.11.2004 requiring the petitioner to vacate the premises soon after the expiry of the lease. The petitioner states that he has established the oil mill in the premises and that the same is his livelihood. He also submitted a representation dated 25.11.2004 offering to enhance the rent by 50% and to permit him to remain therein.

In the counter-affidavit filed on behalf of the third respondent, it is stated that in the area covered by the shops as well as the neighbourhood, a commercial complex is proposed to be brought about for the beneficial use of the land. It is also stated that the shops under the occupation of the petitioner are required to be demolished, to bring about the shopping complex.

Heard learned counsel for the petitioner, learned Government Pleader for Endowments and learned standing counsel for the third respondent.

It is not in dispute that the lease in favour of the petitioner expired by 31.12.2004. Thereafter, he became an encroacher, as defined under Section 83 of the A.P. Charitable & Hindu Religious Institutions and Endowments Act, 1987. The petitioner contends that he established an oil mill in the premises and it would be difficult for him to dis-continue his business at such a short notice.

In the matter of leases of the properties belonging to religious endowments and institutions, the interests of such institutions on the one hand and the lessees on the other have to be balanced. Though the petitioner may be subjected to certain hardship, on being required to vacate the premises, the interests of the third respondent cannot be ignored altogether. Taking the totality of the circumstances into account, this Court is of the view that ends of justice would be met if the petitioner is granted three months time to vacate the premises, subject to payment of rent at the existing rates.

Accordingly, the writ petition is disposed of directing that the petitioner shall be entitled to remain in possession of the premises in question up to 30.04.2005, on payment of rents at the existing rates. Thereafter, it shall be open to the third respondent to evict the petitioner, without the necessity of initiating any proceedings before any authority. There shall be no order as to costs.

28.01.2005

ksld

To

1 The Commissioner, Endowments Department, Govt of A.P.,
Tilakroad, Ramkoti, Hyderabad.
2 The Deputy Commissioner, Endowment Department, Kurnool,.
3 Two C.Cs. to the Government Pleader for Endowments, High Court of A.P., Hyderabad, (OUT).

4 Two C.D. Copies.